IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 7481 OF 2005.

Vidhya D. Londhe .. Petitioner.

V/s

The President,
Gramin Samaj Prabhodini,
Yelvan & Others ..Respondents.

Shri Suresh S. Pakale for the petitioner.

Mrs. M.P.Thakur,AGP for repsondent Nos. 3 to 5

Mr. S.M. Gorwadkar for respondent Nos. 1 and 2.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 7TH DECEMBER, 2006.

P.C.

. Heard Mr. Pakale, the learned Counsel for the petitioner, who belongs to Scheduled Caste (Mahar) and holds the qualification of B.Sc. B.P.Ed. She was appointed as a "Shikshan Sevak" on 28/11/2001, pursuant to the Scheme formulated by the Government of Maharashtra and admittedly, as per the said Scheme, she was entitled to be regularised as an "Assistant Teacher"

on completion of three years tenure as a "Shikshan Sevak". She was denied the same benefit of regularisation as an Assistant Teacher by the Respondent, Management, who communicated to her by letter dated 12/6/2006, that she was removed from service on 29/12/2004 i.e. before she completed three years of tenure as "Shikshan Sevak" and therefore, she was not entitled for the relief she is seeking in this petition.

2. It is clear that on 1/1/2005 the petitioner would have completed three years of service as a "Shikshan Sevak" and thus due for being regularised as an Assistant Teacher, unless her service was found to be unsatisfied. In any case, this is an issue, we are not required to go into as the petitioner has an alternative efficacious remedy provided in the Government Resolution dated 13/10/2000 and the annexures attached thereto. A separate Tribunal has been established to deal with such grievances of illegal termination of service of Shikshan Sevak as per clause 17 of the terms and conditions in annexure "A" to the G.R. dated 13/10/2000.

3. At the same time, we have noted that in the

respondent school there is full time post available of Assistant Teacher in Physical Education and this fact has been brought to our attention by the Education Officer, (Secondary), Zilla Parishad, Ratnagiri in the communication he has placed before us through the learned AGP and therefore, we find it appropriate to dispose of this petition by relegating the petitioner to alternative remedy to file the appeal/representation before the Tribunal against termination of service of Shikshan Sevak and at the same time by directing her to be re-instated as an Assistant Teacher in Physical Education subject to the decision of the Tribunal under the Shikshan Sevak Scheme.

4. The petition is therefore, disposed off with liberty to the petitioner to approach before the one member committee of the Tribunal with the appeal against the termination of her service as Shikshan Sevak as claimed by the Management with effect from 29/12/2004. In the meanwhile, we direct that the petitioner be reinstated as an Assistant Teacher, Physical Education with effect from 15/12/2006 and this being the reinstatement, shall be subject to the final out come in her appeal/respresntation before the Committee. The

petitioner shall approach the Committee within a period of four weeks from today and if such appeal/representation is presented within this period of four weeks, we direct that the same be considered on its on merits expeditiously.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**